

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: August 17, 2005 - Key Largo Division: County Attorney

Bulk Item: Yes X No      Department: County Attorney

Staff Contact Person: Bob Shillinger

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**AGENDA ITEM WORDING:**

Approval of payment to *The Smith Law Firm* for professional legal services and costs in the amount of \$97,542.86. (Their Invoice #4853).

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**ITEM BACKGROUND:**

*The Smith Law Firm* has been representing the County in matters regarding *Monroe County v. Post, Buckley, Schuh & Jernigan*.

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**PREVIOUS RELEVANT BOCC ACTION:**

The Board retained Special Litigation Counselor Wayne Smith, Esq. of *The Smith Law Firm* to handle matters for the County regarding *Monroe County v. Post, Buckley, Schuh and Jernigan*.

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**CONTRACT/AGREEMENT CHANGES:**

N/A

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**STAFF RECOMMENDATIONS:**

Approval.

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**TOTAL COST:** \$97,542.86

**BUDGETED:** Yes      No     

**COST TO COUNTY:** \$97,542.86

**SOURCE OF FUNDS:**                     

**REVENUE PRODUCING:** Yes      No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing      Risk Management     

**DIVISION DIRECTOR APPROVAL:**

 08/02/05

JOHN R. COLLINS, COUNTY ATTORNEY

**DOCUMENTATION:** Included X Not Required     

**DISPOSITION:**                                     

**AGENDA ITEM #**

**The Smith Law Firm**

333 Fleming Street  
Key West, FL 33040

OK  
PMS 6/2/5

Ph: 305-296-0029

Fax: 305-296-9172

Monroe County Attorney's Office  
P.O. Box 1026  
Key West, FL 33041

June 30, 2005

Attention: Accounts Payable  
RE: Monroe County v. PBSJ

File #: 155.02  
Inv #: 4853

DATE	DESCRIPTION	HOURS	LAWYER
May-27-05	Receipt and Review of Fax from Meg Shockley with Tasa Invoice.	0.20	WLS
May-29-05	Trial preparation	7.30	WLS
May-30-05	Trial preparation	6.30	WLS
May-31-05	Trial preparation	7.10	WLS
Jun-02-05	Trial preparation	6.90	WLS
Jun-03-05	Trial preparation	4.60	WLS
	Research of project manual for warranties and exhibits for CV's. Strategy conference with managing partner, research assignment.	0.70	SDC
	Trial preparation.	1.00	LPD
Jun-05-05	Trial preparation	7.70	WLS
	Conducted research into case files for CV's and warranty provisions. Notes to file. Draft of memorandum to managing partner.	2.30	SDC
Jun-06-05	Attend first day of trial and preparation for second day of trial	15.20	WLS



	Receipt and Review of Letter from Arnold Ramos with Invoice.	0.20	WLS
	Preparations for voir dire, trial. Attended jury selection, participated in process.	9.60	SDC
	Trial preparation.	1.00	LPD
Jun-07-05	Attend second day of trial	14.00	WLS
	Continued work after hours on case and trial. Preparations for reconvening trial, review and organization of trial exhibits. Attended trial and aided in presentation.	13.00	SDC
Jun-08-05	Attend thrid day of trial and prepare for following day of trial	15.30	WLS
	Receipt and Review of Fax from Julie Julien with Affidavit of Service.	0.20	WLS
	Trial preparation	3.70	WLS
	pre-trial preparation trial work. Attended and aided in presentation of case.	11.80	SDC
Jun-09-05	Attend fourth day of trial and prepare for next day of trial	14.80	WLS
	Preparations for trial. Conducted research of engineering files for invoices. Research of applicable law to laches defense. Attended and aided in trial. Conducted research into law of the case doctrine.	13.70	SDC
Jun-10-05	Attend fifth day of trial and prepare for following day of trial	12.80	WLS
	Worked on memorandum in opposition to directed verdict.	10.30	SDC
Jun-11-05	Prepare for final day of trial and closing arguments	6.80	WLS
Jun-12-05	Prepare for final day of trial and closing argument	5.30	WLS
	Strategy conference with managing partner. Review of old invoices, deposition transcripts.	2.00	SDC

Jun-13-05	Attend sixth day of trial and prepare for seventh day of trial	14.70	WLS
	Review of trial transcript for discrepancies. Attended and aided in trial. Strategy conference(s). Attended charging conference. Revisions to Interrogatory Verdict Form and Jury Instructions.	13.00	SDC
Jun-14-05	Attend seventh day of trial	14.30	WLS
	Strategy conference re: closing argument. Trial preparation. Attended trial, closing arguments.	11.40	SDC
Jun-20-05	Receipt and Review of Fax from Paul Breitner.	0.20	WLS
	Receipt and Review of Levon Wisher's receipts for trial.	0.20	WLS
	Receipt and Review of Jim Robert's receipts for trial.	0.20	WLS
Jun-21-05	Receipt and Review of Fax from Paul Breitner with Final Judgment.	0.20	WLS
Jun-22-05	Receipt and Review of Letter from Paul Breitner.	0.20	WLS
Jun-27-05	Receipt and Review of Final Judgment.	0.20	WLS
	Receipt and review of proposed final judgment, various correspondence from Breitner.	0.20	SDC
	Totals	248.60	

**DISBURSEMENTS****Disbursements****Receipts**

May-27-05	Blueprints for trial	132.63
Jun-01-05	Fedex	36.06
Jun-03-05	Expert Fees for Brian Mirson	33,640.00
Jun-15-05	West Law	5.99
	All Keys Reporting	3,187.00
Jun-27-05	TASA	2,116.45



Jun-29-05	The Smith Law Firm - Copies made for trial	306.50	
	Witness travel/hotel	1,938.78	
	Fed Ex	13.39	
	Fed Ex	46.61	
	Fed Ex	17.55	
	Fed Ex	24.36	
	Fed Ex	17.55	
	Fed Ex	28.59	
	Totals	\$41,511.46	\$0.00
	Costs (photocopies, facsimile, long distance and postage)		\$0.00
	<b>Total Fees &amp; Disbursements</b>		<b>\$97,246.46</b>
	Previous Balance		\$15,517.54
	Previous Payments		\$0.00
	<b>Balance Due Now</b>		<b>\$112,764.00</b>